

Application No. 09/474,043
Attorney Docket No. 141509.00000

The listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

Please amend the claims as follows:

Claim 1 (Canceled)

Claim 2 (Canceled)

Claim 3 (Canceled)

Claim 4 (Canceled)

Claim 5 (Canceled)

Claim 6 (Canceled)

Claim 7 (Canceled)

Claim 8 (Canceled)

Claim 9 (Canceled)

Claim 10 (Canceled)

Claim 11 (Canceled)

Claim 12 (Canceled)

Claim 13 (Canceled)

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Claim 14 (Canceled)

Claim 15 (Canceled)

Claim 16 (Canceled)

Claim 17 (Canceled)

Claim 18 (Canceled)

Claim 19 (Canceled)

Claim 20 (Canceled)

Claim 21 (Canceled)

Claim 22 (Canceled)

Claim 23 (Canceled)

Claim 24 (Canceled)

Claim 25 (Canceled)

Claim 26 (Canceled)

Claim 27 (Canceled)

Claim 28 (Canceled)

Claim 29 (Canceled)

Claim 30 (Canceled)

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Claim 31 (Canceled)

Claim 32 (Canceled)

33. (Currently amended) A breathable cellular elastomer ~~film or filament~~ material having cells created therein by a cell opening agent, said material being essentially free of polystyrene homopolymer and having at least a portion of said cells being closed, said material being breathable and having an elongation at break of from about 300 to about 600 percent.
34. (Canceled) The breathable cellular elastomer film or filament material of Claim 33, wherein said material is a film material.
35. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 33, wherein said ~~film or filament~~ material comprises a material selected from the group consisting of a block copolymer having the general formula A-B-A' or A-B, where A and A' are each a thermoplastic polymer endblock which contains a styrenic moiety and where B is an elastomeric or rubber polymer midblock such as a conjugated diene or a lower alkene polymer elastomeric and a A-B-A-B tetrablock copolymer.
36. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 33, wherein said cell opening agent is an azodicarbonamide, water, a low boiling point solvent, a fluorocarbon, a mixture of an isocyanate and a polyol or mixtures thereof.
37. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 33, further comprising at least one layer of an extensible material laminated to said filament material, said filament material having at least one aperture defined therein created by a cell opening agent.

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38. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said cell opening agent is a material capable of forming openings in said ~~film or filament material~~.
39. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said cell opening agent is an azodicarbonamide, water, a low boiling point solvent, or the gas liberated by the reaction of a mixture of an isocyanate and a polyol with water.
40. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said cells are open to ~~the film~~ said filament material surface, partially open or closed.
41. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said composite material has an average water vapor transmission rate of from about 300 to about 20,000 g/m²/24 hours.
42. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said composite material has an average water vapor transmission rate as measured by the INDA (Association of the Nonwoven Fabrics Industry) test procedure IST-70.4-99 of from about 300 to about 20,000 g/m²/24 hours.
43. (Canceled) The film material of Claim 34, wherein said film material is formed by casting, extrusion or by mixing and dispensing to a moving belt methods.
44. (Canceled) The film material of Claim 34, wherein said cell opening agent is an azodicarbonamide, water, a low boiling point solvent, a fluorocarbon, a mixture of an isocyanate and a polyol or mixtures thereof.
45. (Canceled) The film material of Claim 34, wherein said cells are open to the film surface, partially open or closed.

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46. (Currently amended) The material of Claim ~~34~~33, wherein said material has cells created therein by a cell opening agent, at least one of said cells being closed, said closed cells containing a solid, liquid or gas capable of timed release.
47. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim ~~46~~33, wherein said material is a filament material having cells created therein by a cell opening agent, said filament material being at least partially air permeable, capable of transmitting water vapor therethrough and being elongatable.
48. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 46, wherein said solid, liquid or gas is released in response to an external stimulus.
49. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 48, wherein said external stimulus is increased temperature from a user.
50. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 48, wherein said solid, liquid or gas is active.
51. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 48, wherein said solid, liquid or gas is capable of inhibiting yeast filament formation.
52. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 33, further comprising at least one layer of an extensible material laminated to said elastomer material, said elastomer material having at least one aperture defined therein created by a cell opening agent.
53. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 37, wherein said ~~film filament material~~ is formed by ~~casting or extrusion~~ methods.
54. (Currently amended) The breathable cellular elastomer ~~film filament~~ material of Claim ~~33~~34, further comprising at least one layer comprised of an extensible material laminated

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to said elastomeric ~~film-filament material~~ to form a laminate, said elastomeric filament material having apertures created therein by a cell opening agent, said laminate being formed into a personal care product.

55. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 5554, wherein said laminate has an average water vapor transmission rate as measured by the INDA (Association of the Nonwoven Fabrics Industry) test procedure IST-70.4-99 of from about 300 to about 20,000 g/m²/24 hours.
56. (Currently amended) The breathable cellular elastomer ~~film or filament~~ material of Claim 5554, wherein said laminate is formed into a bandage, a wound dressing, a diaper, an incontinence garment, a panty shield or liner, a perspiration shield a surgical gown or industrial workwear.
57. (Currently amended) A breathable cellular elastomer material having cells created therein by a cell opening agent, said material being at least partially air permeable, capable of transmitting water vapor therethrough and being elongatable, wherein said material is incorporated into a laminate material produced by a method, comprising:
- a) providing a layer of a spunbond material;
 - b) providing a layer of an elastomeric film being essentially free of polystyrene homopolymer and having apertures formed therein by mixing a polymer material with a cell opening agent to form a mixture and extruding said mixture through a die such that apertures are formed therein, said apertures comprising cells, at least a portion of said cells being closed;
 - c) stretching said film of step b); and
 - e)d) laminating said stretched elastomeric film of step b) and said spunbond,

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said breathable cellular elastomer material being breathable and having an elongation at break of from about 300 to about 600 percent and being retractable by at least 75% of said elongation.

58. (Currently amended) A breathable cellular elastomer material having cells created therein by a cell opening agent, said material being essentially free of polystyrene homopolymer and at least partially air permeable, capable of transmitting water vapor therethrough and being elongatable, wherein said material is incorporated into a laminate material produced by a method, comprising:
- a) providing an isocyanate material;
 - b) providing a polyol material;
 - c) providing a catalyst material;
 - d) providing an effective amount of water;
 - e) mixing said polyol material, catalyst material and water to form a mixture;
 - f) mixing the mixture of step e) with said isocyanate material to form a second mixture;
 - g) dispensing said second mixture through a die head onto a surface to form a cellular foam at least a portion of said foam having closed cells;
 - h) stretching said foam of step g) and
 - h)i) laminating said stretched foam of step h) to at least one layer of a non-extensible material so as to form a breathable elastomeric material,
- said breathable cellular elastomer material being breathable and having an elongation at break of from about 300 to about 600 percent being retractable by at least 75% of said elongation.
59. (Previously presented) The material of Claim 58, further comprising curing said foam.

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60. (Previously presented) The material of Claim 58, further comprising adjusting the polyol functionality to adjust the adhesive level desired.
61. (Currently amended) A breathable cellular elastomer ~~film or~~ filament material having cells created therein by a cell opening agent, said material being at least partially air permeable, capable of transmitting water vapor therethrough and being elongatable, wherein having apertures formed therein by a process, comprising:
- a) providing an elastomeric polymer material essentially free of polystyrene homopolymer;
 - b) providing a cell opening material capable of releasing a gas;
 - c) mixing said polymer material and said cell opening material to form a mixture; and,
 - d) extruding said mixture through an extrusion die such that said cell opening material produces a gas whereby apertures are formed at least partially within the extruded material, at least a portion of said apertures being closed cells.
62. (Currently amended) A laminate material, comprising:
- a) a layer of an elastomer ~~film or~~ filament material being essentially free of polystyrene homopolymer and having cells created therein by a cell opening agent, at least a portion of said cells being closed, said material being breathable and having an elongation at break of from about 300% to about 600%; and,
 - b) at least one layer of a spunbond material laminated to said elastomer ~~film or~~ filament material.
63. (Currently amended) A personal care article, comprising:
- a) a layer of an elastomer ~~film or~~ filament material being essentially free of polystyrene homopolymer and having cells created therein by a cell opening

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- agent, at least a portion of said cells being closed, said material being breathable and having an elongation at break of from about 300% to about 600%; and,
- b) at least one layer of a spunbond material laminated to said elastomer ~~film or~~ filament material.
64. (Currently amended) A stretchable top sheet for use in an article worn to manage fluids, comprising:
- a) a layer of an elastomer ~~film or~~ filament material being essentially free of polystyrene homopolymer and having cells created therein by a cell opening agent, at least a portion of said cells being closed, said material being breathable and having an elongation at break of from about 300% to about 600%; and,
- b) at least one layer of a spunbond material laminated to said elastomer ~~film or~~ filament material.